

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

GARY R. WHITING,)
vs.)
Plaintiff,)
vs.) Case No. CIV-08-1365-M
CORRECTIONS CORPORATION OF)
AMERICA, et al.,)
Defendants.)

ORDER

On September 18, 2009, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, seeking damages for alleged constitutional violations committed by defendants. Because plaintiff obtained a transfer of his incarceration from the North Fork Correctional Facility in this Court's jurisdiction to a prison in Wyoming, and because plaintiff agreed that the action is moot and should be dismissed, the Magistrate Judge recommends dismissal of the action on grounds of mootness. The parties were advised of their right to object to the Report and Recommendation by October 8, 2009. A review of the file reveals no objection has been filed.

Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on September 18, 2009;
- (2) GRANTS defendants' motion to dismiss; and
- (3) DISMISSES without prejudice plaintiff's claims against defendants.

IT IS SO ORDERED this 27th day of October, 2009.



VICKI MILES-LAGRANGE
CHIEF UNITED STATES DISTRICT JUDGE